

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SPICY LADIES BOUTIQUE &	§	
JEWELRY, INC., and MOSHE NIV,	§	No. 17, 2009
jointly and severally,	§	
	§	
Defendants Below,	§	Court Below—Superior Court
Appellants,	§	of the State of Delaware in and
	§	for New Castle County
	§	
v.	§	
	§	
627 MARKET, LLC a Delaware	§	
Limited Liability Company,	§	
	§	
Plaintiff Below,	§	C.A. No. 07C-12-015
Appellee.	§	

Submitted: May 19, 2009

Decided: June 2, 2009

ORDER

This 2<sup>nd</sup> day of June 2009, the Court has considered the appellee's motion to dismiss this appeal for the appellants' failure to file the opening brief by the May 1, 2009 deadline. The motion was served on the appellants by mail on May 6, 2009. The appellants have not responded to the motion to dismiss and have not filed the opening brief. The appellants' failure to respond to the motion to dismiss is deemed to be their consent to the dismissal of the appeal.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b)(2), 29(b) and 30(c), (d), that the appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice